

**CAPE Executive Committee
Minutes of October 30, 2013
CAPE National Office
Boardroom
5:00 p.m.**

Present: C. Poirier (Chair), B. Black, J-L. Bourdages, R. Brockington, A. Butler, C. Creran, S. Gagnon, N. Giannakoulis, L. Haméon, S. Jaroudi, A. Kurikshuk-Nemec, S. Mullen, A. Picotte, C. Danik, J. Ouellette and D. Martin.

Apologies: G. Phillips, L. Whitmore.

1) Items for Approval

1 a) Agenda

Motion: It was moved by C. Creran, seconded by A. Picotte, that the agenda be approved.
Motion carried unanimously.

1 b) Audit Committee Report

S. Maguire presented the report. The Committee raised 5 issues in the report

1) Employee Pension Fund - The Committee was concerned about the potential liability undertaken by CAPE with respect to the employee pension fund. We believe that the new Note 4 provides more clarity to CAPE members about these potential liabilities and expenses associated with the pension plan.

2) Investments - The Committee noted the exposure of CAPE to significant investments in bonds of seemingly long durations. The Committee suggests that the Finance Committee revisit the investment portfolio of CAPE to ensure that potential volatility in the bond market be taken into account.

3) Travel Expenses - The Committee spent time attempting to clearly outline the travel expenses of the President. We believe that Note 7 with respect to travel expenses more clearly delineates between travel undertaken by the President between his residence and work related.

4) Transition Plans for Staff - Last year, the Committee expressed concerns about apparently inadequate transition plans with respect to the Finance Officer position. After discussing the issue further with auditors, it would appear that this issue may not be as significant as when it was first raised. The Committee will continue to monitor this issue on a go-forward basis.

5) Committee Process - The addition of the third meeting this year was seen as immensely helpful for the Committee to complete its work. Going forward, we would suggest that three meetings be budgeted for in the CAPE budget.

Question: Did the Committee meet separately with the Auditor's without management present.
Answer: Yes it is a standard practice to meet separately with the Auditor's.

[Start In Camera at 5:15]

1 c) In Camera Minutes of September 25, 2013 (In camera)

[End In camera at 5:16]

1 d) Minutes of Special September 11, 2013

Motion: It was moved by S. Mullen, seconded by A. Picotte, that the minutes be approved.
Motion carried unanimously.

1 e) Minutes of September 25, 2013

There were minor corrections and typos made.

It was requested to bring back the item on “Minutes of NEC meetings include recorded votes on all substantial items” for a final decision on this matter at the November meeting.

Motion: It was moved by A. Picotte, seconded by J-L. Bourdages, that the minutes be approved, as amended.

In favour = 10, Opposed = 0, Abstention = 1. **Motion carried.**

1 f) Finance Committee Appointment

Motion: It was moved by R. Brockington, seconded by L. Haméon, that K. Chao be approved as a new member of the Finance Committee.

It was requested that Ms. Chao complete the application form and return it to the national office for its records.

In favour = 11, Opposed = 0, Abstention = 2. **Motion carried.**

1 g) Approval of LoP bargaining Committee volunteers

Motion: It was moved by J-L. Bourdages, seconded by A. Picotte, that D. Valiquet, A. Smith and H. Porteous be approved as members. **Motion carried unanimously.**

2) Matters Arising

2 a) CAPE's Award Policy

This item has been deferred.

2 b) NEC Security Policy

The policy will be provided at the November meeting.

2 c) Proposed additions to the CAPE Constitution- HR Committee

- What types of issues would the committee review

- What level of involvement does the NEC want to have
- What role does NEC have to relay comments or provide feedback to the management staff
- Need to have a mandate and set objective
- The Committee would review the President's contract each term
- Staff would receive an annual review
- Contact other unions to see that they do and if they have an HR committee
- Concerns with staff as they are covered by the collective agreement

Motion: It was moved by R. Brockington, seconded by L. Haméon, that an ad-hoc committee be created to review current HR matters and risks, to review other unions best practices and return with recommendations on how to proceed forward for March 2014 regular NEC meeting.

Motion carried unanimously.

Members of the ad-hoc committee are: R. Brockington, A. Butler, C. Creran N. Giannakoulis, A. Kurikshuk-Nemec, G. Phillips, A. Picotte and C. Poirier.

2 d) Implementation of Investigation Process

The recommendations are being put into effect.

3) Substantive Issues for Discussion

4) Reports

4 a) President's Report

The government laid out its priorities for the period between now and the next federal election in the Speech from the Throne, which was essentially a rehash of previous Throne speeches. The governing party revealed its intentions clearly in the budget implementation bill, which again targets unions and the public service. Among other things, the bill will eliminate the use of arbitration to resolve impasses at the bargaining table; it will change the rules governing other types of arbitration; essential services will no longer be defined through negotiation; and the Public Service Labour Relations Board will no longer be responsible for compensation research. In short, from the slight imbalance that existed previously, the scales have now been tipped entirely in the employer's favour. Additional cutbacks have been announced, and the government intends to replace the current sick leave system with a short-term disability system. What can we do to oppose these moves?

CAPE has taken the lead in the public service unions' handling of the sick leave issue. We held an inaugural committee meeting on October 17, and another meeting is scheduled for tomorrow. The goal of this committee is to establish a common strategy for dealing with the government. As the next round of bargaining approaches for the three groups we represent, it is important to know what direction we will be taking. Regarding the budget legislation, public service bargaining agents decided to hold an urgent meeting to discuss how best to respond to the government. As of this writing, that meeting has not yet taken place.

As I told you last month, we have resumed our visits with parliamentarians. Topics of discussion have included: foreign affairs, in particular the merger of CIDA and the Department of Foreign

Affairs; the quality of French in the federal government and the survival of the Translation Bureau; and the government's attacks against its public service and against labour organizations. We will continue to hold such meetings in the coming year in order to make MPs of all parties more aware of the problems faced by our members. It is simply unfortunate that Conservative MPs continue to refuse to meet with us – starting with my own MP, Steven Blaney.

Lastly, consultations on the visioning exercise have already started with the Local Presidents and will continue with the Local leaders next week. We have put together a list of questions, and this will allow us to further clarify the direction being taken.

4 b) Executive Director of Policy's Report

Bargaining - General

- **EC Collective Bargaining**
- The committee had two meetings. The first meeting was a training session for members new to the bargaining process and was held on October 2.
- The second meeting, on October 3, was a brain storming meeting; the purpose was to allow members their first opportunity to express themselves on the matter of bargaining in the current work place environment. Members reviewed the matter of the structure of a first general questionnaire to go to members for input. It was decided to have a shorter rather than long questionnaire.
- In order to put together a question on priorities, the members of the committee decided to submit to the EC Consultative Committee on Collective Bargaining (EC CBCC) a preliminary list. The committee will meet the EC CBCC in the week of November 11 in order to get feedback on the priorities list and a second matter.

EC Collective Bargaining Consultative Committee

- The EC CBCC met on October 24 for a training session.
- It will be meeting in the week of November 11 with the EC CBC.

TR Collective Bargaining

- The TR Committee met on October 8 and 9. It has completed the first draft of a questionnaire that will be translated and submitted to the NEC in November for feedback.
- TR members will be asked to provide input through the questionnaire in mid-January.

EC Classification Standard

- Treasury Board has informed CAPE that it is initiating an exercise at the request of departments in order to develop Benchmark Position Descriptions (BMPD) for the EC Classification Standard.
- BMPDs were the backbone of the old ES and SI standards. The EC Classification Standard review that occurred from 2002 to 2009 was to large extent to get away from BMPDs and to use instead Examples of Work Activities (EWAs).
- Departments will be asked to participate in the development of BMPDs.

- CAPE has expressed concern that adding BMPDs to a complete and integrated set of tools for classification could have undesired negative results. The current standard was not designed for BMPDs.
- CAPE has requested that it be kept informed of developments and that it be provided with the instructions that will be provided to classification specialists that will explain the use of the BMPDs.

LoP- CAPE Joint Committee on Departures

- It became apparent to CAPE and it is well understood by the employer that CAPE members are leaving the Library at an unusually high rate of departures.
- CAPE and the employer have committed to exploring the reasons for departures in the past, and possible departures in the future.
- The joint committee had its first meeting on October 17 and is exploring data needs and the tools to collect the data.
- The records of exit interviews are being shared with CAPE, on a confidential basis.

LoP- CAPE Consultations: WFA Policy

- The LoP and CAPE are reviewing the Library policy that applies to CAPE members.
- CAPE will be providing input for the purposes of having a new policy.

Internal Working Groups

- Performance Management
 - A first document has been completed. It is an information document on how to participate proactively in the performance management process. It is being translated and will be ready for distribution shortly.
 - A second document, on the matter of recourse where performance is judged to be unsatisfactory is being prepared and will be ready in a couple of months for distribution.
 - The new performance management system will be effective, April 1st 2014.
- Workplace 2.0
 - CAPE representatives visited the TB pilot project work site and spoke to managers of the site as well as to a member working in the new space.
 - We were briefed on the principles behind the way space is organized. Our questions were mostly about process in order to understand how the principles are being operationalized.
 - We also had several questions that emanated from our research on different thought processes and appropriate physical environments. We noted that analysis and problem solving require silence and cannot be accommodated with “white noise” for example.
 - Our research has also led us to realize that interruption time is being underestimated.
 - A document for our local representatives will be prepared once we have completed our research. Local representatives will be able to use the document in order to

identify issues that need to be raised in work places that are being transformed into one of the WP 2.0 work site.

- TBS representatives made a point of noting that the specifications that came out of PWGSC are minimum standards, and that organizations are required to proceed according to their specific needs.
- We now anticipate that a document will be ready in December.

4 c) Legislative Reviews

C. Danik provided a written report on the current legislative reviews.

4 d) Executive Director of Operation's Report

Internal Matters

The internal competition to staff a Library and Research Assistant position was cancelled. An eighteen month term Research Officer / Negotiations position was created and posted as we were unsuccessful in recruiting internally. We hope to have the position staffed as soon as possible.

E-surveys

Training was provided to the Service Coordinator to take over from InSite the task of setting up surveys. We will be able to offer internally survey services to the National Office, committees and locals. The Negotiators and the Research Officer also attended the training.

Negotiations

A second call for volunteers to serve on the Collective Bargaining Committee for CAPE members at the Library of Parliament was issued on October 16. We will be reporting separately on the questionnaires received.

Representation Files

Here is a breakdown of the major subjects with all of the representation files opened since the beginning of 2013:

Absenteeism	3	NJC (benefits)	
Access to information		NJC (Dental)	
Accommodation	3	NJC (FSD)	1
	0		
Acting Appointment	3	NJC (health care plan)	1
ATIP		NJC (Relocation)	2
Authorship		NJC (Transportation All.)	
Bargaining Unit Work		NJC (Travel)	
Benefits	4	NJC (WFAD)	51
Bilingualism Bonus		Pay	16
Career & Registration Fees	2	Pension	

Classification	1	Performance Evaluation	38
	0		
Code of Conduct	3	Personal File	
Consultation	3	Policy	
Deployment	1	Political Activity	
DFR		Privacy	
Disability Insurance	5	Probation	1
	2		
Discipline	3	RAND	
	1		
Discrimination	5	Recruitment Program	
	1		
Employment Status		Representation	
Ergonomic Assessment		Resignation	1
Fitness to Work			
Evaluation	3	Retirement	1
	4		
Harassment	3	Return to work	8
	8		
Health and Safety		FIP	1
Health and Safety			
(Claim)		Security Status	2
Hours of Work	4	Service	2
Hours of Work			
(Overtime)	3	Staffing	14
Hours of Work (Travel)		Staffing (WFAD)	2
Human Rights		Statement of Duties	8
ICMS	1	Telework	5
Johnson Insurance		Term Employee	1
Language Profile	1	Termination	3
Language Training	1	Terms and Conditions of Work	
	1		
Leave	3	Training Program	2
Leave (Annual)		Travelling Time	1
Leave (Bereavement)		Unfair Labour Practice	
		Complaint	2
Leave (Other)	6	Union Dues	2
Leave (Parliamentary)		Union Representation	4
Leave (Sick)	6	Work Assignment	4
Leave (Without Pay)	7	Work Location	
Letter of Expectation	1	Workload	2
Maternity Allowance	1	Wrongdoing (Whistle	
		Blowing)	1
Medical Evaluation	1		
			38
		Total	0

Court cases

Boshra and CAPE (Federal Court)

CAPE is still pursuing the matter of costs owed to it.

Public Service Labour Relations Board (PSLRB)

Cases

We are still awaiting the decision from the adjudicator in the **Lebeau** case (discrimination – human rights issue – Statistics Canada) that was heard on May 14.

A decision in the last **Boshra** matter (duty of fair representation complaint against CAPE) was rendered on October 15. In his decision dismissing the complaint, the panel of the PSLRB wrote: *“It is clear that paragraph 35 of Boshra 2012 was worded in the manner that it was to facilitate the complainant’s request for production of documents. The failure of the complainant to comply with the order should not be permitted to allow him to abuse the process and delay the proceeding in perpetuity. It is clear from the complainant’s failure over more than three-and-a-half years to comply with the Board’s order, from his commencing of the judicial review application and appeal in the Federal Court and Federal Court of Appeal respectively, and from his lack of response to the Board’s request for submissions that he is not acting in good faith. I find that his actions in this regard demonstrate that his actions in pursuing this complaint are both frivolous and vexatious, and as such, I exercise my discretion to dismiss the complaint without an oral hearing.”*

Scheduled hearings

These are the cases involving CAPE scheduled for a hearing before the PSLRB in the period from October to March 2014.

Ottawa	Dec. 2 to 6	Tulloch (Discrim. – Human Rights)	Stats Can
Ottawa	Dec. 16 to 19	Desfossés (Discrim. – Human Rights) (continuation)	HRSDC
Ottawa	Jan. 27 to 31	Kalonji (Termination)	IRB
Winnipeg	Mar. 13 and 14	Dorn (Discrim. – Human Rights)	HRSDC

Please note that hearings may be postponed or cancelled up to the day of the hearing. The PSLRB schedule may be consulted at:

http://www.crtfp-pslrb.gc.ca/hearingschedules/intro_e.asp

http://www.crtfp-pslrb.gc.ca/hearingschedules/intro_f.asp

4 e) Finance Committee Report

R. Brockington mentioned that the membership approved the financial ballots.

- Telephone system is being reviewed

- Security doors have been installed and we are over budget – Finance Committee has requested the reasons for over budget for its November 5th meeting.

5) Adjournment

It was moved by L. Haméon that the meeting be adjourned at 8:37 p.m.